ARTICLE 74:09

PROCEDURES BOARD OF MINERALS AND ENVIRONMENT

NOTICE OF PUBLIC HEARING TO REVISE RULES

The Board of Minerals and Environment will hold a public hearing in the Matthew Environmental Education and Training Center, 523 East Capitol Avenue, Pierre, South Dakota, on April 17, 2014, at 10:00 a.m. central time, to consider the proposed amendments to article 74:09 by adding sections 74:09:01:20 and 74:09:01:21.

Section 110(a)(1) and (2) of the Clean Air Act requires each state to review its state implementation plan each time EPA revises or adds a criteria air pollutant national ambient air quality standard. Following the change to the standard, the state has a three year period to update the state's plan and implement the revised regulations. At the end of the three year period, the state is required to certify the infrastructure of its plan is equivalent to EPA's regulations and is meeting the requirements of the Clean Air Act. Recently, EPA determined that many of the state implementation plans, including South Dakota's, relating to Section 128 of the Clean Air Act requirement were not sufficient. Section 128 of the Clean Air Act specifies the requirements for a state board or body that approves air quality permits or enforcement orders.

The effect of the rules will specify the conditions when a Board member may not participate in a contested case hearing. The reason the rules are being adopted is to meet the requirements in Section 128 of the Clean Air Act and to allow South Dakota to maintain delegation of its air quality program.

Persons interested in presenting data, opinions, and arguments for or against the proposed amendments may do so by appearing in person at the hearing or by submitting written comments to the South Dakota Department of Environment and Natural Resources at the mailing address that appears below. Material sent by mail must reach department by the close of business on April 16, 2014, to be considered.

After the hearing, the Board of Minerals and Environment will consider all written and oral comments it receives on the proposed amendments. The Board of Minerals and Environment may modify or amend a proposed rule at that time to include or exclude matters that are described in this notice.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the department at least 48 hours before the public hearing if you have special needs for which special arrangements must be made. The telephone number for making special arrangements is (605) 773-3151.

Copies of the proposed rules may be obtained without charge from

Kyrik Rombough, Engineering Manager I South Dakota Department of Environment and Natural Resources 523 East Capitol, Joe Foss Building Pierre, South Dakota 57501 (605) 773-3151

or from the following webs	site:
	http://denr.sd.gov/public/default.aspx
Depa	Steven M. Pirner, Secretary rtment of Environment and Natural Resources

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